



PATENT
Atty Docket No.: MBI-0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Luc ADAM *et al.*

Appl. no: 09/934,455

Filed: August 22, 2001

For: GENES FOR MODIFYING
PLANT TRAITS IV

Art Unit: 1638

Examiner: To Be Assigned

Box Missing Parts

Commissioner for Patents
Washington DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts mailed October 25, 2001, Applicants submit the documents and fees indicated below. All required documents and fees are now being submitted. Applicants respectfully request examination of the application.

Request for Extension of Time

Applicants request a one-month extension of time under 37 C.F.R. §1.136(a) for responding to the Notice mailed on October 25, 2001. Accordingly, the time for response is extended up to January 25, 2002. A Fee Transmittal and our **Check No. 145295** in the amount of **\$2,300.00** is attached, of which \$110.00 is to cover the extension of time fee. If necessary, the Commissioner is hereby authorized to charge any additional amount or any required fee to the undersigned's Deposit Account No. 50-1129.

In response to the Notice to File Missing Parts of Nonprovisional Application mailed October 25, 2001, Applicants hereby submit the following:

- ☒ Copy of Notice of Missing Parts;
- ☒ Filing fee under 37 C.F.R. § 1.16(a)
\$740.00;

- ☒ Executed Declaration (All signatures total 18 pages);
- ☒ Surcharge under 37 C.F.R. § 1.16(e) for the late filing of the executed Declaration \$130.00;
- ☒ Additional Claim fees of \$900.00 (50 claims over 20);
- ☒ Additional Independent Claim fees of \$420.00 (5 claims over 3);
- ☒ Executed Power of Attorney By Assignee.

Applicants have provided for a one-month extension fee including the required fees above. No additional extension of time fees, requests for extension of time, petitions, extra claim fees, or additional fees are believed to be necessary to enter and consider this paper or any accompanying paper. If, however, any petitions, requests for extensions of time, or any fees are required in order to enter or consider this paper, or to keep this application pending, Applicants hereby authorize the Commissioner to charge our Deposit Account no. 50-1129.

Respectfully submitted,
Wiley Rein & Fielding LLP

Date: December 28, 2001

By:


David J. Kulk, Reg. No. 36,576

Wiley Rein & Fielding LLP
Intellectual Property Department
1776 K Street N.W.
Washington, D.C. 20006
Telephone: 202.719.7000
Facsimile: 202.719.7049

WRFMAIN 1077147.1

DUPLICATE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/934,455	08/22/2001	Luc Adam	MBI-0025

CONFIRMATION NO. 7159

FORMALITIES LETTER



OC000000006971505

David J. Kulik, Esq.
Wiley Rein & Fielding LLP
1776 K Street, N.W.
Washington, DC 20006

Date Mailed: 10/25/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/10/2002 BABRAHA1 00000118 09934455

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 OP
02 FC:105	130.00 OP
03 FC:103	900.00 OP
04 FC:102	420.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

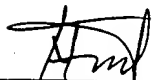
- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1300.
 - \$900 for 50 total claims over 20.
 - \$400 for 5 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2140.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance with these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL**for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 2300.00

Complete if Known

Application Number	09/934,455
Filing Date	08/22/2001
First Named Inventor	Luc ADAM et al.
Examiner Name	Unassigned
Group Art Unit	1638
Attorney Docket No.	MBI-0025

METHOD OF PAYMENT

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	50-1129
Deposit Account Name	David J. Kulik Wiley Rein & Fielding LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 740.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
70	-20** = 50	18.00	900.00
8	-3** = 5	84.00	420.00

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 1320.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	110.00
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 240.00

SUBMITTED BY

Name (Print/Type)	David J. Kulik	Registration No. (Attorney/Agent)	36,576	Telephone	(202) 719-7000
Signature		Date	12/28/2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Section #
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/934,455
	Filing Date	08/22/2001
	First Named Inventor	Luc ADAM et
	Group Art Unit	1638
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	MBI-0025

US PATENT & TRADEMARK OFFICE
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DEC 28 2001

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		 PATENT & TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David J. Kulik; Reg. No. 36,576
Signature	
Date	12/28/2001

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <input type="text"/>		
Typed or printed name		
Signature		Date

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